

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

BENJAMIN FRANKLIN SCOTT,

Petitioner,

v.

Civil Action No. 1:06CV163
Criminal Action No. 1:02CR27
(Judge Keeley)

UNITED STATES OF AMERICA,

Respondent.

**ORDER GRANTING GOVERNMENT'S UNOPPOSED
MOTION TO CONTINUE HEARING**

On July 27, 2007, the Court affirmed the magistrate judge's Report and Recommendation and scheduled an evidentiary hearing in this case for Friday, August 24, 2007 at 1:30 p.m. On July 30, 2007, however, counsel for the Government, Assistant United States Attorney, Robert H. McWilliams, filed a motion to continue the hearing because of his unavailability at the scheduled time. (Doc. No. 13.) On July 31, 2007, the petitioner's attorney, Deanna Pennington, joined that motion and requested additional time to fully prepare for the hearing, particularly because the petitioner is currently incarcerated in New Jersey and she needs more time to correspond and communicate with her client.

For good cause shown, the Court **GRANTS** the Government's unopposed motion (doc. no. 13) and resets the previously scheduled

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evidentiary hearing for **October 19, 2007** at **9:30 a.m.** at the Clarksburg, West Virginia point of holding court.

It is so **ORDERED**.

The Clerk is directed to transmit copies of this Order to counsel of record, the defendant and all appropriate agencies.

DATED: August 6, 2007

/s/ Irene M. Keeley
IRENE M. KEELEY
UNITED STATES DISTRICT JUDGE